

Nicole Whyte, Esq.
Michael Sandstrum, Esq.
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street, Second Floor
Newport Beach, CA 92660
(949) 221-1000
(949) 221-1001 (Fax)

Attorney for Registrant
SANTANA'S GRILL, INC.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ARTURO SANTANA GALLEGO,

Petitioner,

v.

SANTANA'S GRILL, INC.,

Registrant.

Cancellation Nos. 92043152
(Consolidated) 92043160
92043175

I hereby certify that this correspondence
and all marked attachments are being
deposited with Federal Express and
addressed to Trademark Trial & Appeal
Board, P.O. Box 1451, Alexandria, VA
22313-1451

4-27-06

(Date)

Michael A. Sandstrum

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Nicole Whyte, Esq. and Michael A. Sandstrum, Esq. of
Bremer Whyte Brown & O'Meara LLP hereby appear and substitute into this matter as counsel
of record for Registrant, SANTANA'S GRILL, INC.



04-27-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #3:

The Trademark Trial and Appeal Board and all parties to this proceeding are respectfully requested to direct all future communications, correspondence, documents, and filings to the attention of:

Nicole Whyte, Esq.
Michael A. Sandstrum, Esq.
Bremer Whyte Brown & O'Meara
20320 S.W. Birch St., Second Floor
Newport Beach, CA 92660
(949) 221-1000
(949) 221-1001 (fax)

Dated: April 27, 2006

BREMER WHYTE BROWN & O'MEARA LLP

By: 

Nicole Whyte, Esq.
Michael A. Sandstrum, Esq.
Attorneys for Registrant,
SANTANA'S GRILL, INC.

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On April 27, 2006, I served the within document(s) described as:

NOTICE OF APPEARANCE

on the interested parties in this action as stated on the attached mailing list.

☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached mailing list. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Newport Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on April 27, 2006, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Michelle Nemirovsky
(Type or print name)

(Signature)

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SERVICE LIST

M. Cris Armenta The Armenta Law Firm, P.C. 233 Wilshire Blvd, Suite 400 Santa Monica, CA 90401 (310) 917-1026 (310) 917-1027 Fax	Frederick S. Berretta, Esq. KNOBBE MARTENS OLSON & BEAR 550 West C Street, Suite 1200 San Diego, CA 92101 (619) 235-8550 (619) 235-0716 Fax	
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Registrant.

Cancellation Nos. 92043152
(Consolidated) 92043160
92043175

I hereby certify that this Stipulated Motion to Re-Set Trial Dates and all marked attachments, if any, are being deposited with Federal Express and addressed to Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451

4-27-06
Date


Michael A. Sandstrum

REGISTRANT'S STIPULATED MOTION TO RE-SET TRIAL DATES

Registrant, SANTANA'S GRILL, INC., hereby moves to extend the testimonial period and re-set the trial dates, for the following reasons:

1. The current trial order issued by the Trademark Trial and Appeal Board on March 28, 2006, provides for the Petitioner's testimonial period closes on May 30, 2006.

2. On or about March 27, 2006, Registrant's former counsel, Frederick Berretta, was dismissed from any further representation of Registrant in the instant proceeding. Subsequently, on or about April 20, 2006, new counsel, Nicole Whyte and Michael Sandstrum of Bremer Whyte Brown & O'Meara, were retained by Registrant to substitute into this matter to represent Registrant throughout the remainder of the instant cancellation proceeding. A Notice of Appearance (Substitution of Attorney) is being filed and served concurrently with this stipulated motion.
3. With the very recent retention of new counsel, there is only a limited number of days remaining until the close of the Petitioner's testimonial period. Bremer Whyte needs sufficient time and opportunity to review the voluminous litigation files and documents and to conduct its own investigation in effort to provide an adequate defense. Registrant will be potentially prejudiced if its new counsel is not given additional time in which to prepare a defense prior to the commencement of the testimonial periods. To not grant Registrant's requested continuance would require Registrant to proceed without the benefit of having sufficient time and opportunity to prepare a defense to the Petitioner's claims within the established trial deadlines. In this matter, good cause exists to extend the testimonial periods.
4. The instant cancellation proceedings was originally filed and has been ongoing since approximately March 30, 2004 and April 5, 2004. This matter involves numerous documents and an extensive procedural history, including, a related action which is currently stayed before the United States District Court, Southern District of California, entitled *Santana's Grill, Inc. v. Arutro Castaneda*, Case No. 03CV2340. In order to

properly prepare a defense, new counsel requires sufficient time to conduct a review of the case documents, including, but not limited to, pleadings, motions, discovery, filings with the Trademark Trial and Appeal Board and United District Court, correspondence, disclosures, orders and agreements/stipulations. Additionally, new counsel will require to meet and confer with Registrant, its principals, and any witnesses in preparation of a defense, and to determine the procedural and substantive background of this matter, what discovery and investigation have been completed, and what will be necessary in order to defend the instant Petition/proceedings.

5. Moreover, while Registrant's former counsel has agreed to provide its complete case file for this matter, the same has not yet been received by new counsel. Similarly, Petitioner's counsel has offered to provide and will provide any and all non-privileged documents that would be of assistance to new counsel in catching up to speed in this proceeding, and counsel are currently coordinating the transmission of those documents.
6. New counsel understands that various stipulations have been entered into by and between former counsel for Registrant and counsel for Petitioner. New counsel has requested from Registrant's former counsel, copies of any and all written stipulations between the parties but is not yet in possession of these documents. The contents and details of these stipulations are unknown to new counsel.
7. An extension of the current testimonial dates and re-setting of the trial dates is necessary and prudent for this matter to be determined on its merits. The requested extension/continuance should allow new counsel sufficient opportunity to properly assess

possible settlement options and prepare a proper defense. Registrant also needs sufficient time to conduct its investigation to determine whether a re-opening of the discovery period is warranted. Further, Michael Sandstrum, trial counsel for Registrant, has a scheduled vacation (out of the country) with extended family members set for July 2006, and Petitioner's Counsel will be in a federal trial during July and possibly August 2006.

8. In light of the foregoing, and to afford Bremer Whyte sufficient time to prepare for and understand this case, and to consider filing motions, and to explore the possibility of settlement, Registrant suggests and requests that the dates be re-set as follows:

Petitioner's Testimonial Period: September 1 - September 30, 2006

Registrant's testimonial period: November 1 - November 30, 2006

9. According to M. Cris Armenta, counsel for Petitioner, Arturo Santana Gallego, Petitioner assents to the schedule set forth in Paragraph 8.

Dated: April 27, 2006

BREMER WHYTE BROWN & O'MEARA LLP

By: 

Nicole Whyte, Esq.
Michael A. Sandstrum, Esq.
Attorneys for Registrant
SANTANA'S GRILL, INC.

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Michelle Nemirovsky
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